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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>06 June 2007</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1,3-13,16 and 17</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1, 3-13, 16 and 17</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

1.   This action is in response to Amendment filed on 06/06/2007.

2.   Claims 1, 3-6, 8, 9 and 13 have been amended, and claims 2, 14 and 15 have been

cancelled. Currently, claims 1, 3-13, 16 and 17 are pending.

Response to Arguments

3.   Applicant's arguments with respect to claims 1, 3-13, 16 and 17 have been

considered but are moot in view of the new ground(s) of rejection.

Claim Objections

4.   Regarding claims 1, 6 and 8, language **"adapted to"** (claim 1, line 7) (claim 6,

line 2) (claim 8, lines 3 and 6) and **"operable to"** (claim 1, lines 10 and 14) are objected

to as suggest a capability to perform the cited acts/functions but do not actually perform

the cited acts/functions. Note that the above language can be replaced by **"configured**

to" to overcome this objection.

5.   Claim 17 is objected to under 37 CFR 1.75 as being a substantial duplicate of

claim 16. When two claims in an application are duplicates or else are so close in content

that they both cover the same thing, despite a slight difference in wording, it is proper

after allowing one claim to object to the other as being a substantial duplicate of the

allowed claim. See MPEP § 706.03(k). Since claim 17 recites a limitation which is the

same as a limitation already recited in independent claim 13, claim 17 recites the same

invention as claim 16.

Claim Rejections - 35 USC § 112

6.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly
> claiming the subject matter which the applicant regards as his invention.

7.   Claim 16 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite

for failing to particularly point out and distinctly claim the subject matter which applicant

regards as the invention.

Claim 16 recites the limitation "the step of verifying" in line 1. There is

insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

8.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –

> (b) the invention was patented or described in a printed publication in this or a foreign country or in public
> use or on sale in this country, more than one year prior to the date of application for patent in the United
> States.

9.   Claims 1 and 3-7 are rejected under 35 U.S.C. 102(b) as being anticipated by

Kramer (US Patent 6,216,140 issued on 04/10/2001).

        As to claim 1, Kramer teaches:

        "A system" (see Kramer, [column 7, lines 5-20]) comprising:

        "a release storage area for storing files and directories related to a current release

of a released software product" (see Kramer, [column 4, lines 45-65] wherein the storage

area storing the hierarchy of the released version of software is equivalent to Applicant's

"release storage area");

        "a build area for storing files and directories associated with modifications of the

current release" (see Kramer, [column 4, lines 45-53], [column 5, lines 7-10] and

[column 6, lines 1-15] wherein the storage area storing a copy of the hierarchy of files

which is to be modified is interpreted as build area);

        "a software release information manager coupled to the release storage area and

coupled to the build area and adapted to identify differences between files and directories

in the release storage area and files and directories in the build area" (see Kramer,

[column 7, lines 5-67] and [column 8, lines 1-60] wherein the comparison operation as

disclosed identifies the differences between files and directories of two hierarchies, a

original hierarchy (stored in release storage area) and changed hierarchy (stored in build

area));

        "a scan element operable to determine information regarding files and directories

stored in the build area" (see Kramer, [column 8, lines 3-10] for reading and pushing

items (i.e., information regarding files or directories) of compared hierarchies into the

difference list);

"an inventory file element for receiving and storing information in said build

area" (see <u>Kramer</u>, [column 7, lines 43-67] and [column 8, lines 1-55] wherein the

difference list which received and storing information from both hierarchies (e.g., release

storage area and build area) is interpreted as an inventory file element); and

"said software release information manager is operable to control the operation of

said inventory file element and said scan element to effect the transfer of said information

from said build area to said release storage area" (see Kramer, [column 8, lines 1-60]

wherein the comparison operation controls the scanning of items from two hierarchies to

generate a difference file which allows the changes made in one hierarchy (i.e., build

area) is merged into another; since a merge operation made items of the hierarchy

equivalent, merging is interpreted as transferring the change (i.e. information)).

As to claim 3, this claim is rejected based on arguments given above for rejected

claim 1 and is similarly rejected including the following:

<u>Kramer</u> teaches:

"a release database couple to the scan element and said inventory file element for

storing the information regarding files and directories located in the build area" (see

<u>Kramer</u>, [column 6, lines 1-15] and [column 7, lines 20-35] wherein the revision history

storing information (i.e., modification) regarding a changed hierarchy (i.e., files and

directories stored in build area) and used by the comparison operation is interpreted as

release database).

As to claim 4, this claim is rejected based on arguments given above for rejected claim 1 and is similarly rejected including the following:

Kramer teaches:

"a verify element coupled to said inventory file element to compare information representing files and directories in the release storage area with information representing files and directories in the build area to identify differences between the compared information" (see Kramer, [column 7, line 5-67] and [column 8, lines 1-55] for comparison operation).

As to claim 5, this claim is rejected based on arguments given above for rejected claim 1 and is similarly rejected including the following:

Kramer teaches:

"an install element coupled to said inventory file element to copy files and directories from the build area to the release storage area" (see Kramer, [column 5, lines 7-10] for making an actual copy of the hierarch of files which means copying files and directories from one storage area to another; also see [column 3, lines 3-5], [column 9, lines 20-35] and [column 10, lines 53-55] wherein merge operation that merge contents as well as attribute differences as disclosed is equivalent to copy operation).

As to claim 6, this claim is rejected based on arguments given above for rejected claim 1 and is similarly rejected including the following:

Kramer teaches:

"wherein the build area is adapted to be used by a developer to modify or create files and/or directories for the software product" (see Kramer, [column 3, lines 40-52] wherein the area which stores the copied or unshared hierarchy is equivalent to Applicant's "build area", and user can only make changes on the unshared hierarchy).

As to claim 7, this claim is rejected based on arguments given above for rejected claim 1 and is similarly rejected including the following:

Kramer teaches:

"wherein the identified differences may include one or more of: file existence, file name, file ownership information, file access control information, file contents directory existence, directory naming, directory ownership information, and directory access control information" (see Kramer, [column 9, lines 30-55] for attribute differences).

Claim Rejections - 35 USC § 103

10.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

11.   Claims 8-13, 16 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kramer (US Patent No6,216,140 issued on 04/10/2001) in view of Brodersen et al. (US Publication No 2002/0129352 issued on 09/12/2002).

As to claim 8, <u>Kramer</u> teaches:

"A method for software release management of a software product" (see <u>Kramer</u>,

[column 4, lines 40-60]), the method comprising the steps of:

"identifying a build area adapted to have development files in a hierarchically

structured development directory" (see <u>Kramer</u>, [column 4, lines 45-55] and [column 5,

lines 7-10] as when a user want to modify files and directories of the hierarchy, the

hierarchy is copied which means a second storage area allocated to stored the copied

hierarchy, and this storage area is interpreted as <u>Applicant</u>'s "build area");   \

"receiving build information regarding development files and directories adapted

to be stored in the build area" (see <u>Kramer</u>, [column 3, lines 53-67] for pushing

information from changed hierarchy (stored in build area) to the difference list);

"identifying a release storage area having release files in a hierarchically

structured release directory" (see <u>Kramer</u>, [column 4, lines 45-50] wherein the storage

area storing the hierarchy of the released version is interpreted as a release storage area";

"receiving information regarding the release files and directories in the release

storage area" (see <u>Kramer</u>, [column 3, lines 5-20 and 52-67] for receiving information

(i.e., attributes of hierarchy items) from a compared hierarchy of release version (stored

in the release storage area));

"storing said received build information and said received release information in

an inventory file element" (see <u>Kramer</u>, [column 8, lines 1-10] for pushing information

from both compared hierarchies onto the difference list wherein the difference list storing

information from both hierarchies is interpreted as an inventory file element); and

"wherein the identified differences may include one or more of: file existence, file name, file ownership information, file access control information, file contents directory existence, directory naming, directory ownership information, and directory access control information" (see Kramer, [column 9, lines 30-55] for attribute differences).

However, Kramer does not teaches:

"reporting to a user regarding differences between the release information and the build information".

On the other hand, Brodersen et al. teaches:

"reporting to a user regarding differences between the release information and the build information" (see Brodersen et al., [0095] and [0098]).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to incorporate the teachings of Brodersen et al. the Kramer's system. Skilled artisan would have been motivated to so do as suggested by Brodersen et al. (see Brodersen et al., [0092]) to reduces the time and cost of version upgrades. In addition, both of the references (Kramer and Brodersen et al.) teach features that are directed to analogous art and they are directed to the same field of endeavor, such as, versions of software applications, method of comparing differences between two versions of software application. This close relation between both of the references highly suggests

an expectation of success.

As to claim 9, this claim is rejected based on arguments given above for rejected claim 8 and is similarly rejected including the following:

Kramer and Brodersen et al. teach:

"storing the received build information in a first database" (see Kramer, [column

4, lines 45-52] and [column 5, lines 7-10] wherein each hierarchy represents a database,

and hierarchy allowing modifications is interpreted as first database; also see Brodersen

et al., [0103] for different repositories (databases) to hold the object definitions for each

release);

"storing the received release information in a second database" (see Kramer,

[column 4, lines 45-52] wherein the hierarchy of a released version is interpreted as a

second database); and

"wherein the step of reporting further comprises accessing the first and second

database to compare the build information stored therein and the release information

stored therein to identify differences therebetween" (see Kramer, [column 3, lines 53-67],

and Brodersen et al., [0095] and [0098]).

As to claim 10, this claim is rejected based on arguments given above for rejected

claim 8 and is similarly rejected including the following:

Kramer and Brodersen et al. teach:

"installing a copy of the release files and directory in a destination storage area to

install a current release of software product" (see Kramer, [column 4, lines 40-45] when a

version of software is released, it always includes a mechanism to install its files and

directories).

As to claim 11, this claim is rejected based on arguments given above for rejected claim 8 and is similarly rejected including the following:

Kramer and Brodersen et al. teach:

"copying build files from the build area via said inventory file element to the release storage area to generate a new release" (see Kramer, [column 5, lines 7-10] for making an actual copy of the hierarch of files which means copying files and directories from one storage area to another; also see [column 3, lines 3-5], [column 9, lines 20-35] and [column 10, lines 53-55] wherein merge operation that merge contents as well as attribute differences as disclosed is equivalent to copy operation).

As to claim 12, this claim is rejected based on arguments given above for rejected claim 11 and is similarly rejected including the following:

Kramer and Brodersen et al. teach:

"installing a copy of the release files and directory in a destination storage area to install a current release of software product" (see Kramer, [column 4, lines 40-45] when a version of software is released, it always includes a mechanism to install its files and directories).

As to claim 13, Kramer teaches:

"A method for software release management" (see Kramer, [column 4, lines 40-60]), the method comprising the steps of:

"identifying a build area having development files in a hierarchically structured development directory" (see Kramer, [column 4, lines 45-55] and [column 5, lines 7-10]

as when a user want to modify files and directories of the hierarchy, the hierarchy is

copied which means a second storage area allocated to stored the copied hierarchy, and

this storage area is interpreted as Applicant's "build area");

"scanning said build area containing modified files and directories for a software

product" (see Kramer, [column 8, lines 1-10] for reading (scanning) and pushing items of

hierarchies including hierarchy with modifications (stored in build area));

"generating an inventory file from build information derived from the step of

scanning and regarding modified files and directories in the build area" (see Kramer,

[column 7, lines 50-67] and [column 8, lines 1-10] for generating a difference list

wherein the difference list storing information from both compared hierarchies including

the hierarchy with modifications (stored in build area) is interpreted as an inventory file)

"storing said scanned information in said build area in an inventory file element"

(see Kramer, [column 8, lines 1-10] for pushing information from both compared

hierarchies onto the difference list wherein the difference list storing information from

both hierarchies is interpreted as an inventory file element);

"comparing the build information in the inventory file element with release

information regarding a current release of files and directories in a release storage area"

(see Kramer, [column 7, lines 5-45] for comparing two hierarchies in the difference list

(inventory file element) wherein storage area storing the hierarch of a release (version)

can be interpreted as release storage area);

"installing modified files and directories into the release storage area to create a

new release of files and directories in the release storage area defining a release database"

(see Kramer, [column 5, lines 7-10] for making an actual copy of the hierarch of files

which means copying files and directories from one storage area to another; also see

[column 3, lines 3-5], [column 9, lines 20-35] and [column 10, lines 53-55] wherein

merge operation that merge contents as well as attribute differences as disclosed is

equivalent to copy operation; in addition, storage area storing any hierarchy of version

can be interpreted as release storage area and the hierarchy of software version is

interpreted as release database);

"updating information in the release database from the build information in the

inventory file in response to the step of installing modified files and directories" (see

Kramer, [column 9, lines 55-65] for updating the revision history (i.e., information in the

release database) in response to merge operation; also see [column 10, lines 47-60] for

updating version references); and

"wherein the identified differences may include one or more of: file existence, file

name, file ownership information, file access control information, file contents directory

existence, directory naming, directory ownership information, and directory access

control information" (see Kramer, [column 9, lines 30-55] for attribute differences).

However, Kramer does not teaches:

"reporting to a user regarding differences between the release information and the

build information".

On the other hand, Brodersen et al. teaches:

"reporting to a user regarding differences between the release information and the

build information" (see Brodersen et al., [0095] and [0098]).

It would have been obvious to a person having ordinary skill in the art at the time

the invention was made to incorporate the teachings of Brodersen et al. the Kramer's

system. Skilled artisan would have been motivated to so do as suggested by Brodersen et al. (see Brodersen et al., [0092]) to reduce the time and cost of version upgrades. In addition, both of the references (Kramer and Brodersen et al.) teach features that are directed to analogous art and they are directed to the same field of endeavor, such as, versions of software applications, method of comparing differences between two versions of software application. This close relation between both of the references highly suggests an expectation of success.

As to claim 16, this claim is rejected based on arguments given above for rejected claim 13 and is similarly rejected including the following:

Kramer and Brodersen et al. teach:

"identifying the differences between the build storage area and the release storage area" (see Kramer, [column 3, lines 53-67] and [column 4, lines 45-55] for identify the differences between hierarchies, wherein each hierarchy represents a storage area (either build or release storage area)); and

"presenting the identified differences to a user to permit correction of any identified anomalies by the user" (see Brodersen et al., [0092]).

As to claim 17, this claim is rejected based on arguments given above for rejected claim 16 and is similarly rejected including the following:

Kramer teaches:

"wherein the identified differences may include one or more of: file existence, file name, file ownership information, file access control information, file contents directory

existence, directory naming, directory ownership information, and directory access

control information" (see Kramer, [column 9, lines 30-55] for attribute differences).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phuong-Thao Cao whose telephone number is (571) 272-2735. The examiner can normally be reached on 8:30 AM - 5:00 PM (Mon - Fri).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Rones can be reached on (571) 272-4085. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Phuong-Thao Cao
Art Unit 2164
August 16, 2007

CHARLES RONES
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